

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

CHRISTINE CORONADO,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

CASE NO. 15cv664-WQH-NLS

ORDER

HAYES, Judge:

The matter before the Court is the review of the Report and Recommendation (ECF No. 20) issued by United States Magistrate Judge Nita L. Stormes, recommending that Plaintiff's Motion for Summary Judgment (ECF No. 14) be denied and Defendant's Cross-Motion for Summary Judgment (ECF No. 17) be granted.

I. Background

On October 10, 2012, Plaintiff filed an application for disability insurance benefits, alleging disability beginning December 1, 2009. Plaintiff filed an application for Supplemental Security Income ("SSI") on the same date. Plaintiff's claims were denied at the initial level and upon reconsideration. Plaintiff then requested a hearing before an administrative law judge ("ALJ"), which was held on September 16, 2014. On November 15, 2014, the ALJ issued a written decision finding that Plaintiff is not disabled under section 216(I) and 223(d) of the Social Security Act. (AR 23). On February 25, 2015, the Appeals Council for the Social Security Administration denied Plaintiff's request for further review. (AR 1).

1 On March 25, 2015, Plaintiff, represented by counsel, commenced this action
2 seeking judicial review of Defendant's decision pursuant to 42 U.S.C. § 405(g) and
3 1383(c)(3). (ECF No. 1). On September 4, 2015, Plaintiff filed a Motion for Summary
4 Judgment. (ECF No. 14). On November 4, 2015, Defendant filed a Cross-Motion for
5 Summary Judgment. (ECF No. 17).

6 On April 27, 2016, the Magistrate Judge issued the Report and Recommendation
7 (ECF No. 20). The Report and Recommendation recommends that Plaintiff's Motion
8 for Summary Judgment be denied and Defendant's Cross-Motion for Summary
9 Judgment be granted. The Magistrate Judge found that "the ALJ adequately considered
10 Plaintiff's obesity in his RFC determination to the extent required." *Id.* at 8. The
11 Magistrate Judge also found that "substantial evidence in the record supports the ALJ's
12 determination at step four of the sequential process that Plaintiff could perform her
13 previous relevant work as actually and generally performed in the national economy."
14 *Id.* at 12. The Report and Recommendation states that any objections to the Report and
15 Recommendation must be filed on or before May 11, 2016, and "[t]he parties are
16 advised that any failure to file objections within the specified time may waive the right
17 to raise those objections on appeal of the Court's order." *Id.* at 13.

18 The docket reflects that no objections to the Report and Recommendation have
19 been filed.

20 **II. Review of the Report and Recommendation**

21 The duties of the district court in connection with a report and recommendation
22 of a magistrate judge are set forth in Federal Rule of Civil Procedure 72(b) and 28
23 U.S.C. § 636(b). The district judge must "make a de novo determination of those
24 portions of the report . . . to which objection is made," and "may accept, reject, or
25 modify, in whole or in part, the findings or recommendations made by the magistrate."
26 28 U.S.C. § 636(b). The district court need not review de novo those portions of a
27 Report and Recommendation to which neither party objects. *See Wang v. Masaitis*, 416
28 F.3d 992, 1000 n. 13 (9th Cir. 2005); *U.S. v. Reyna-Tapia*, 328 F.3d 1114, 1121-22 (9th

1 Cir. 2003) (en banc).

2 After review of the Report and Recommendation, the written opinion of the ALJ,
3 the administrative record, and the submissions of the parties, the Court concludes that
4 the Magistrate Judge correctly found that the ALJ's decision is supported by substantial
5 evidence and the ALJ applied the correct legal standards.

6 **III. Conclusion**

7 IT IS HEREBY ORDERED that: (1) the Report and Recommendation (ECF No.
8 20) is adopted in its entirety; (2) Plaintiff's Motion for Summary Judgment (ECF No.
9 14) is denied; and (3) Defendant's Cross-Motion for Summary Judgment (ECF No. 17)
10 is granted. The Clerk of the Court shall enter judgment in favor of Defendant and
11 against Plaintiff.

12 DATED: June 29, 2016

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14 **WILLIAM Q. HAYES**
15 United States District Judge
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